

REMARKS

The present application has been reviewed in light of the Office Action mailed on February 21, 2008. Claims 1-11, 13-26 and 28-31 are currently pending, of which, Claims 1, 15, 17, 23 and 31 are in independent form. All of the rejections in the present Office Action are respectfully traversed.

I. Office Action Does Not Advance Prosecution

A. Reopening Prosecution After Appeal

Reconsideration of the present application and advancement of the prosecution of the present application are respectfully requested. The Examiner decided to reopen prosecution after the Applicants prepared and filed an Appeal Brief. It appears that the Examiner did not obtain approval from his Supervisory Patent Examiner to reopen prosecution. MPEP Sections 1002.02(d), 1207.04 and 1208.02 require approval of the SPE to reopen prosecution after an appeal and form paragraph 12.187, inter alia, provides for such approval to be shown in the Office Action by stating "A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below." The present Office Action does not include such a sentence accompanied by the SPE's signature to show that the Examiner's SPE has approved reopening prosecution. It is respectfully requested that the Examiner provide to the Applicants' form paragraph 12.187 showing approval of reopening prosecution by his SPE.

B. Rejection of Claims 1-3, 6, 8, 10-11, 13-14, 17-19, 21-24, 26 and 28-29

The present Office Action does not advance prosecution, since it includes a rejection for at least independent Claims 1, 17 and 23 which is identical to a rejection with respect to these

independent claims set forth in the first Office Action; a rejection which has been overcome by the Applicants. In particular, the first Office Action mailed on May 6, 2005 includes a rejection with respect to Claims 1-8, 10-26 and 29-30, including independent Claims 1, 17 and 23, under 35 U.S.C. 102(e) as being anticipated by Comp, Publication No. 2004/0203579 ("Comp"). The Applicants in an amendment filed on November 5, 2005 amended independent Claims 1, 15, 17 and 23 in an effort to better define Applicants' claimed subject matter.

In the subsequent Final Office Action mailed on February 8, 2006, the rejection was withdrawn with respect to all of the rejected claims, except for Claims 15 and 16. The Final Office Action set forth a new rejection with respect to Claims 1-8, 10-14, 17-24, 26 and 28-31, including independent Claims 1, 17, 23 and 31. The new rejection rejected Claims 1-8, 10-14, 17-24, 26 and 28-31, including independent Claims 1, 17, 23 and 31, under 35 U.S.C. 103(a) as being unpatentable over Comp in view of Celik, Publication No. 2004/0236792 ("Celik").

The Applicants filed a response on May 5, 2006 traversing all the rejections in the Final Office Action. Subsequently, in response to an Advisory Action, the Applicants filed a Request for Continued Examination accompanied by a Preliminary Amendment amending independent Claims 1 and 23 in an effort to expedite allowance of the application. In a subsequent Office Action mailed on August 31, 2006, the Examiner maintained the same rejections as in the Final Office Action.

The Applicants filed a response on January 2, 2007 traversing all the rejections in the Office Action. A Final Office Action was mailed on April 10, 2007 repeating the same rejections as in the Final Office Action mailed on February 8, 2006 and in the Office Action mailed on August 31, 2006. The Applicants subsequently filed their Appeal Brief on November

9, 2007. The Applicants expected the Examiner to file a Reply Brief to their Appeal Brief and not reopen prosecution, since the appealed rejections were maintained by the Examiner in three separate Office Actions.

However, the Examiner, as stated above, reopened prosecution by issuing the present Office Action. The present Office Action, however, thwarts the advancement of the prosecution of the present application, since the present Office Action sets forth a 102(e) rejection over Comp for Claims 1-3, 6, 8, 10-11, 13-14, 17-19, 21-24, 26 and 29, including independent Claims 1, 17 and 23, which is identical to the 102(e) rejection over Comp set forth for Claims 1-8, 10-26 and 29-30, including independent Claims 1, 17 and 23, in the first Office Action mailed on May 6, 2005. The 102(e) rejection over Comp for at least independent Claims 1, 17 and 23 was successfully overcome by the Applicants in their response mailed on November 4, 2005.

In particular, the present Office Action rejects Claims 1-3, 6, 8, 10-11, 13-14, 17-19, 21-24, 26 and 29, including independent Claims 1, 17 and 23, under 35 U.S.C. 102(e) as being anticipated by Comp, Publication No. 2004/0203579 ("Comp"). The first Office Action also rejects Claims 1-8, 10-26 and 29-30, including independent Claims 1, 17 and 23, under 35 U.S.C. 102(e) as being anticipated by Comp. This duplicate rejection in the prosecution history of the present application with respect to independent Claims 1, 17 and 23, and their corresponding dependent Claims 2, 3, 6, 8, 10, 11, 13, 14, 18, 19, 21, 22, 24, 26 and 29, after the Applicants successfully overcame the rejection the first time it was set forth in the first Office Action, fails to advance prosecution of the present application. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(e) with respect to independent Claims 1, 17 and 23 for at least the same reasons presented for independent Claims 1, 17, and 23 in Applicants' response dated November 4, 2005.

Dependent Claims 2, 3, 6, 8, 10, 11, 13, 14, 18, 19, 21, 22, 24, 26, 28 and 29 depend from either independent Claim 1, 17 or 23 and therefore include the limitations of either Claim 1, 17 or 23. Accordingly, for at least the same reasons given for the patentability of independent Claims 1, 17 and 23 in the response mailed on November 4, 2005, dependent Claims 2, 3, 6, 8, 10, 11, 13, 14, 18, 19, 21, 22, 24, 26, 28 and 29 are patentable over Comp and withdrawal of the rejection with respect to these dependent claims and allowance thereof are respectfully requested.

II. Rejection of Claim 15 Under 35 U.S.C. 102(e)

Claim 15 was rejected under 35 U.S.C. 102(e) as being anticipated by Kamimura, U.S. Publication No. US 2002/0094806 ("Kamimura"). The rejection is respectfully traversed.

The Examiner refers to paragraph 3 and figure 1 of Kamimura in rejecting Applicants' Claim 15. Paragraph 3 of Kamimura states as follows:

Radio communication apparatuses, for example, cellular phones, can send and receive short text messages or electronic mail (e-mail). In addition, cellular phones can store a calling party's telephone number and name corresponding to caller ID information in a telephone directory. In addition, cellular phones can store a message address or an e-mail address in a telephone directory in correspondence with the calling party's telephone number.

The Examiner relies on paragraph 3 for stating that cellular phones can store a calling party's telephone number and name corresponding to caller ID information in a telephone directory. However, there is no disclosure or suggestion in paragraph 3, figure 1 or elsewhere in

Kamimura of *parsing* Caller ID information and storing the *parsed* Caller ID information as a telephone directory listing within a telephone directory, as recited by Applicants' Claim 15. In particular, Kamimura does not disclose or suggest "a set of instructions capable of being executed by the processor for: parsing Caller ID information, said Caller ID information including at least a telephone number and an entity assigned the telephone number; and storing the parsed Caller ID information as a telephone directory listing within the telephone directory, wherein the processor creates the telephone directory listing using the Caller ID information and stores the telephone directory listing within the memory," as recited by Applicants' Claim 15.

It is therefore respectfully submitted that in view of the arguments presented above, independent Claim 15 is allowable over Kamimura. Accordingly, withdrawal of the rejection under 35 U.S.C. 102(e) and allowance of independent Claim 15 are respectfully requested.

III. Rejection of Claim 16

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kamimura in view of Comp. The rejection is respectfully traversed.

Claim 16 depends from independent Claim 15 and therefore contains all of the features of independent Claim 15. Therefore, for at least the reasons presented above in Section II for the patentability of Claim 15, it is respectfully submitted that Claim 16 is also patentable. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) with respect to Claim 16 and allowance of this claim are respectfully requested.

IV. Rejection of Claims 4 and 9

Claims 4 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Comp in view of Miyashita, Publication No. 2002/0019225 ("Miyashita"). The rejection is respectfully traversed.

Claims 4 and 9 depend from independent Claim 1 and therefore contain all of the features of independent Claim 1. Therefore, for at least the reasons presented above in Section I for the patentability of Claim 1, it is respectfully submitted that Claims 4 and 9 are also patentable. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) with respect to Claims 4 and 9 and allowance of these claims are respectfully requested.

V. Rejection of Claims 5, 7, 20 and 30-31

Claims 5, 7, 20 and 30-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Comp in view of Brown, Publication No. 2002/0156895 ("Brown"). Claim 31 has been cancelled. The rejection with respect to Claims 5, 7, 20 and 31 is respectfully traversed.

Claims 5, 7, 20 and 30 depend from independent Claims 1, 17 and 23 and therefore contain all of the features of independent Claims 1, 17 and 23. Therefore, for at least the reasons presented above in Section I for the patentability of Claims 1, 17 and 23, it is respectfully submitted that Claims 5, 7, 20 and 30 are also patentable. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) with respect to Claims 5, 7, 20 and 30 and allowance of these claims are respectfully requested.

VI. Rejection of Claim 25

Claim 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over Comp in view of Kee, U.S. Patent No. 6,975,854 ("Kee"). The rejection is respectfully traversed.

Claim 25 depends from independent Claim 23 and therefore contains all of the features of independent Claim 23. Therefore, for at least the reasons presented above in Section I for the patentability of Claim 23, it is respectfully submitted that Claim 25 is also patentable. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) with respect to Claim 25 and allowance of this claim are respectfully requested.

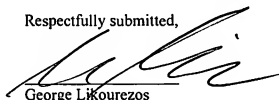
It is respectfully submitted that the claims are in condition for allowance. In view of the foregoing amendments and remarks, reconsideration of the application and allowance of the claims is earnestly solicited.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicants' undersigned representative at the number indicated below.

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of Claims 1-11, 13-26 and 28-31 is earnestly solicited.

Respectfully submitted,

By:



George Likourezos
Reg. No. 40,067
Attorney for Applicants

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 225
Melville, New York 11747
631-501-5706
FAX: 631-501-3526